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Application Serial No.: 10/673,941
Amendment and Response to June 19, 2007 Non-Final Office Action

REMARKS

Claims 1 – 24 are in the application. Claims 1 – 18, 23, and 24 remain unchanged from the original versions thereof and claims 19 – 22 are currently amended. Claims 1, 18, 23, and 24 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herewith. Reconsideration and further examination are respectfully requested.

Claim Objections

Claims 19 – 22 were objected to. In particular, the Office Action stated that claims 19 – 22 depending from claim 17 should instead depend from claim 18.

Applicant kindly acknowledges the Examiner's recommendation and in response to same amends claims 19 – 22 to depend from claim 18. Accordingly, Applicant respectfully submits that claims 19 – 22 overcome the objection of claims 19 – 22. Applicant therefore requests the reconsideration and withdrawal of the objection to claims 19 – 22.

Claim Rejections – 35 USC § 102

Claims 1, 12, 13, 15, 16, and 23 – 24 were rejected under 35 U.S.C. 102(b) as being anticipated by Farrar et al. U.S. Patent No. 6,122,671 A1 (hereinafter, Farrar). This rejection is respectfully traversed.

Applicant notes that claim 1 relates to a method including receiving data from an application, the data being indicative of a message, a destination address, and an outgoing message type; converting the message to an outgoing message in a format compatible with the outgoing message type; and sending the outgoing message to the destination address. Thus, it is clear that the claimed data received is indicative of, inter

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alia, an outgoing message type. Claims 18, 23, and 24 are worded similar to claim 1 regarding the rejection under 35 USC 102(b).

The Office cites and relies upon Farrar for disclosing receiving data from an application, the data being indicative of an outgoing message type. The Office Action particularly cites Farrar wherein it is explicitly disclosed,

The computer-aided-dispatcher (CAD) application 28 provides the dispatching and e-mail messaging functions in a graphic user interface to enable a dispatcher to manage the fleet of mobile units. Proforma messages from the CAD application 28, described below, are converted and compressed by the CPG application software 26b from text data into a message carrying binary data. The message carrying binary data is then sent to the CPG middleware 26a software which converts the message to a byte stream for transmission to the LES 24 via the X.25 network 20. (See Farrar, col. 5, ln. 66 – col. 6, ln 8)

From the above Farrar disclosure it is clear that messages from the CAD application are sent to the CPG middleware 26a as message carrying binary data and converted by the CPG middleware 26a to a byte stream for transmission. It is also clear that there is no disclosure that the data received by the CPG middleware 26a includes the claimed data indicative of "an outgoing message type". To the contrary, Farrar appears to disclose a method and system wherein the CPG middleware 26a receives message carrying binary data and based on a function of the middleware 26a software, and not any received outgoing message type, converts the message carrying binary data to the byte stream for transmission.

Therefore, it is clear that Farrar does not disclose each and every aspect of claims 1, 23, and 24 as required to properly support the rejection thereof under 35 USC 102(b). Applicant submits that claims 12, 13, 15, and 16 depend from claim 1 and are patentable over Farrar for at least depending from an allowable base claim.

Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 1, 12, 13, 15, 16, 23, and 24 under 35 USC 102(b).

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Claim Rejections – 35 USC § 103

Claims 2 – 11 and 17 – 2 were rejected under 35 U.S.C. 103(a) as being unpatentable over Farrar et al. in view of Baum et al. U.S. Patent No. 6,990,026 B1 (hereinafter, Baum). This rejection is respectfully traversed.

Inasmuch as the rejection of claims 2 – 11 and 17 – 22 depend on the disclosure of Farrar as applied to claim 1 under the 35 USC 102(b) rejection and the disclosure of Farrar was proven insufficient by Applicant hereinabove, it is respectfully submitted that the alleged combination of Farrar and Baum is insufficient to support the rejection of claims 2 – 11 and 17 – 22 under 35 USC 103(a). Furthermore, the disclosure of Baum combined with Farrar does not overcome the failings/shortcomings of the Farrar disclosure.

Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 2 – 11 and 17 – 22 under 35 USC 103(a).

Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Farrar et al. in view of Oz et al. U.S. Patent No. 7,058,087 B1. This rejection is respectfully traversed.

Inasmuch as the rejection of claim 14 depends on the disclosure of Farrar as applied to claim 1 under the 35 USC 102(b) rejection and the disclosure of Farrar was proven insufficient by Applicant hereinabove, it is respectfully submitted that the alleged combination of Farrar and Oz is insufficient to support the rejection of claim 14 under 35 USC 103(a). For example, the disclosure of Oz combined with Farrar does not rectify the failings/shortcomings of the Farrar disclosure.

Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 14 under 35 USC 103(a).

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Accordingly, Applicant respectfully requests allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (408) 492-5336.

Respectfully submitted,

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